IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.42 of 2003

1.R. Pongiannan (died)
2.P. Desamani
3.P. Duraisamy

(Appellants 2 and 3 brought on record as LRS of the deceased sole appellant vide Order dated 21.01.2014 in CMP Nos. 8 to 10/2014)

....Appellants

vs

1.M. Eswaran (died)
2.Tmt.Chinnammal
3.Tmt.Thillainayaki
4.Tmt.Muthu Vijayarani
5.Tmt.Rajanayaki
6.Tmt.Thillai Eswari

(Respondents 2 to 6 brought on record as LRs of the deceased sole respondent vide Order dated 1.07.2013 in CMP Nos.16664 to 16666/2003)

.... Respondents

Appeal filed under Sec.96 of the Civil Procedure Code against the Judgment and Decree dated 30.01.2002 made in O.S.No.33 of 1994 on the file of Subordinate Court, Sankakiri.

For Appellants : Mr.V.P. Sengottuvel
For R.3 to R.6 : Ms.P.T. Ramadevi
R.1 : Died – steps taken
R.2 : Died

O R D E R

Appeal has been filed against the Judgment and Decree dated 30.01.2002 made in O.S.No.33 of 1994 on the file of Subordinate Court, Sankakiri.

2.When the matter is taken up for hearing, the learned counsel on either side submitted that the parties have settled the matter out of Court and entered into a Memorandum of Compromise dated 14.11.2015. The learned counsel on either side submitted that the second respondent had died on 31.01.2006 and her legal representatives were already brought on record as the respondents 3 to 6 and the respondents 3 to 6 have signed the Memorandum of Compromise dated 14.11.2015.

3. The learned counsel on either side submitted that since the second respondent had died, as per the terms of compromise, the respondents 3 to 6, being the legal representatives of the deceased

first respondent, may be permitted receive the sum of Rs.3,00,000/- (Rupees three lakhs only), now lying to the credit of E.P.No.20/2003 in O.S.No.33/1994 on the file of Sub Court, Namakkal towards full and final settlement of the claim in the above said suit and that they are not entitled to claim any further amount from the appellants.

4. In view of the Memorandum of Compromise entered into between the parties and the submissions made by the learned counsel on either side, the appeal is disposed of in terms of the Memorandum of Compromise dated 14.11.2015. The terms of compromise shall form part of the decree in the Appeal in A.S.No.42/2003. No costs.

05-08-2016

sr

Index:no
website:yes

Note: Registry is directed to issue copy of the Judgment and Decree in two weeks time

To

The Subordinate Court, Sankakiri.

M. DURAISWAMY,J.,

sr

A.S.No.42 of 2003

05-08-2016